



## Action Item

---

<b>C10.1</b>	<b>Assessment of Planning Proposal Application PP0002/13 - 2 &amp; 18 Macpherson Street and 23, 25 &amp; 27 Warriewood Road Warriewood</b>
--------------	--

**Meeting:** Natural Environment Committee

**Date:** 2 September 2013

---

### COMMITTEE RECOMMENDATION

- a. That Council refuse application PP0002/13 – Planning Proposal for 2 and 18 Macpherson Street and 23, 25 and 27 Warriewood Road, Warriewood to initiate the process to amend *Pittwater Local Environmental Plan 1993* for the reasons outlined below:
1. The proposal fails to meet the objects of the *Environmental Planning and Assessment Act 1979*, particularly as it substantially deviates from s5(a)(ii) to encourage the promotion and co-ordination of the orderly and economic use and development of land.
  2. The proposal departs significantly from the outcomes and standards recommended in the *Warriewood Valley Strategic Review Report 2012* recently adopted by the Director General of Planning and Infrastructure and Council.
  3. The proposal disregards the community engagement process conducted by Council and the Department of Planning and Infrastructure leading to the adoption of the *Warriewood Valley Strategic Review Report 2012* and would result in a development that severely undermines community expectations and public confidence.
  4. The proposal has not demonstrated changes to current and known constraints, opportunities and economic conditions to justify a departure from the outcomes and standards of the adopted *Warriewood Valley Strategic Review Report 2012*.
  5. No 2 Macpherson Street (also known as Buffer 1M) is an identified floodway and any residential development on this land would unnecessarily and unreasonably put property and life at risk and is likely to cause adverse impacts on flow conveyance and result in a loss of flood storage.
  6. The proposal will result in a development of a density and scale that is not in keeping with the desired future character of the area as expressed in A4.16 of *Pittwater 21 Development Control Plan* and envisaged by the *Warriewood Valley Strategic Review Report 2012*, as adopted by the Director General of Planning and Infrastructure and Council.

7. The Planning Proposal is inconsistent with Local Planning Direction 4.3 – Flood Prone Land, issued under s117 of the *Environmental Planning and Assessment Act 1979*, for the following reasons:
  - i. The proposal would significantly increase residential development on flood prone land, in a known floodway and is likely to result in significant flood impacts to other properties.
  - ii. The proposal will result in development that increases the number of future flood affected occupants of the floodplain, thereby putting more people and assets at flood risk as well as burdening the response efforts of emergency services.
  - iii. The Planning Proposal has not relied on the latest available flood information contained within the Draft Narrabeen Lagoon Flood Study 2013. The findings of the Brown Consulting Flood Management Statement are based on superseded data which is likely to have resulted in an underestimation of flood depths and velocities across the subject sites.
  - iv. The recommendations of the Brown Consulting Flood Management Statement in relation engineering solutions to enable development of 2 Macpherson Street and 23, 25 & 27 Warriewood Road are flawed and cannot be relied upon.
  - v. The proposal relies on deliberate isolation or sheltering in buildings during times of flood which is not considered an acceptable solution and is inconsistent with the requirements of the NSW State Emergency Service and the NSW Floodplain Development Manual.
  - vi. The proposal is inconsistent with the requirements of B3.22 of *Pittwater 21 Development Control Plan*.
8. The Planning Proposal is inconsistent with Local Planning Direction 4.4 – Planning for Bushfire Protection, issued under s117 of the *Environmental Planning and Assessment Act 1979*, as it has not had regard for Planning for Bushfire Protection 2006 and will place inappropriate development in a hazardous area.
9. The Planning Proposal does not achieve the requirements of C6.7 of *Pittwater 21 Development Control* as it does not adequately address issues related to water cycle management issues, including water quality management, watercourse and corridor management.
10. No investigation has been undertaken in regard to potential land contamination of the sites (in particular 2 Macpherson Street), as required by *State Environmental Planning Policy No 55 – Remediation of Land*.
11. The proposal fails to demonstrate the traffic and transport implications resulting from this proposal are satisfactory, as confirmed by the Roads and Maritime Services' request that a detailed traffic assessment of the impacts of the proposal on local and state roads be undertaken prior to a Gateway Determination.
12. The proposal fails to demonstrate that the increase in density proposed with resultant population increase substantially greater than planned for, will be able to be provided with additional infrastructure, particularly open space in reasonable vicinity to the release area.

13. The Department of Education & Communities have identified that in order to address the additional demand created by the Planning Proposal, additional classrooms will be required at local schools. The Department requests that provision be made to seek contribution from the developer. As no mechanism exists to address this issue the proposal is not supported.
  14. It is recognised that the application is a Planning Proposal however the cumulative impacts resulting from this density has not been accounted for, namely:
    - i. The proposed building heights of up to 5 storeys within an area characterised by low-rise, low to medium density housing.
    - ii. The proposed building layout is not sympathetic with the surrounding area.
    - iii. The proposed car parking rate of 1.5 spaces per 2 bedroom unit which is inconsistent with the requirements of B6.6 of *Pittwater 21 Development Control Plan* and the rate accepted by the Planning Assessment Commission in determining the adjacent Major Project Application. The reduced parking rate proposed will result in an undersupply of car parking.
    - iv. A traffic generation rate lower than the rate utilised in the *Warriewood Valley Strategic Transport Study* (AECOM 2011) and accepted by the Planning Assessment Commission in determining the adjacent Major Project Application. This is likely to have underestimated the traffic impacts of the development.
    - v. The unsafe access arrangements proposed from the subject sites onto Macpherson Street and Warriewood Road.
    - vi. The internal road layout which is inconsistent with the requirements of the *Warriewood Valley Roads Masterplan 2006* and C6.24 of *Pittwater 21 Development Control Plan*.
  15. The proposal is not in the public interest, provides no net community benefit, is inconsistent with the principals of orderly planning and, if approved, would undermine confidence in evidence based planning, the community engagement process and decision making.
- b. That Council not support the proposed Voluntary Planning Agreement, as it would be inconsistent with the methodologies used for the calculation of developer contributions in the Warriewood Valley Release Area and will not deliver the essential infrastructure as planned by the Warriewood Valley Section 94 Contributions Plan.
  - c. That Council write to those persons who made a submission, including the state authorities and servicing agencies who provided comments to the application, advising them of Council's decision.

(Cr Millar / Cr Young)

**Notes:**

1. Cr Townsend left the meeting at 7.02pm and returned at 7.20pm, having declared a non-pecuniary interest in this item. The reason provided by Cr Townsend was:

*“As council delegate on JRPP this item may be referred so to avoid conflict I declare my interest.”*

2. Cr Hegarty left the meeting at 7.02pm and returned at 7.20pm, having declared a non-pecuniary interest in this item. The reason provided by Cr Hegarty was:

*“I sit on the JRPP as Council’s delegate and this subject land may be before the Committee.”*

3. A division was duly taken resulting in the following voting:

<b>Aye (For)</b>	<b>No (Against)</b>
Cr Ferguson	Nil
Cr Grace	
Cr McTaggart	
Cr Millar	
Cr Young	